the Common Gaming House Ordinance No. 26 of 1953.

At the close of the prosecution case the counsel for the prosecution suddenly offered six police witnesses to the defence. On being called to make a defence the counsel for the defendant asked for statements of these witnesses or for time to interview them. The application for copies of the statements of these witnesses was refused but the counsel for defence was given 15 minutes to interview the witnesses offered to the defence.

At the end of the 15 minutes the counsel for the defence requested the court for more time to interview the said witnesses but this request was rejected. The appellant was then put to his election and he decided to remain silent. The learned magistrate thereupon found him guilty and convicted him and sentenced him to pay a fine of $1,000 or to a term of six months' imprisonment.

The appellant has appealed on a number of grounds against his conviction and sentence but I can only find one ground which has any substance at all. This ground is in respect of the failure of the learned magistrate to grant the defence more time to interview the six police witnesses offered to the defence. In the present case the defence had every right to interview the witnesses offered to the defence and the defence should be given a reasonable time for this purpose. A period of 15 minutes in this case, in my view, is certainly not reasonable especially when a request for more time was made at the end of the period. Failure to give a reasonable time for the defence to interview these witnesses, to say the least, amounts to a gross injustice and I, therefore, allow the appeal by quashing the conviction and sentence and by ordering a re-trial before another magistrate.

Appeal allowed. Re-trial ordered.

Solicitors: *Joseph & Son.*

INDUSTRIAL ARBITRATION TRIBUNAL v. CARGO HANDLING CORPORATION LTD.

[F.C. (Barakbah L.P., Azmi C.J. (Malaya) and Ong Hock Thye F.J.) June 23, 1967]

[K.L. — Federal Court Civil Appeal No. X.52 of 1966]

Practice and Procedure — Parties — Whether Industrial Arbitration Tribunal has locus standi to appeal.

The Industrial Arbitration Tribunal has no corporate personality and, therefore, no *locus standi*, as such to be appellants.

[**Editorial Note:** This was an "appeal" against the order of prohibition made by Gill J. — see [1966] 2 M.L.J. 278.]

Case referred to:—

(1) *National Association of Local Government Officers* v. *Bolton Corporation* [1943] A.C. 166; earliest proceedings reported at [1941] 1 K.B. 584 & [1941] 2 K.B. 405.

FEDERAL COURT.

Au Ah Wah (Treasury Solicitor) for the appellant.

S. C. Tan (Miss) for the respondent.

Ong Hock Thye F.J.: This was an appeal by the Industrial Arbitration Tribunal against an order of prohibition made by Gill J. on June 17, 1966, upon the application of the respondent employers abovenamed, prohibiting the tribunal from further proceeding in the arbitration of a trade dispute between the respondents on the one part and "A.T. Arasu and 7 others" on the other.

Upon a preliminary objection raised by counsel for the respondents we dismissed this appeal on the simple ground that the tribunal has no corporate personality and, therefore, no *locus standi*, as such, to be appellants. The tribunal is clearly not on the same footing as for instance, the Ministry of Health in the United Kingdom, which is an authorised government department for the purpose of suing and being sued: see 7 *Halsbury* (3rd Ed.) p. 409.

We are not clear who was aggrieved by the order of prohibition or who it was that moved the learned Treasury Solicitor to lodge this appeal. It does not appear that the workmen had done so. Reference to the *Bolton Corporation* (1) case at its various stages should have averted the error into which the learned Treasury Solicitor had fallen.

Barakbah L.P. and **Azmi C.J. (Malaya)** concurred.

Appeal dismissed.

Solicitors: *Skrine & Co.*